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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Franco Travostino

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1512

34845

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09/24/2004

STEUBING AND MCGUINNESS & MANARAS LLP  
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EXAMINER

PEZZLO, JOHN

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,436

Applicant(s)

TRAVOSTINO ET AL.

Examiner

John Pezzlo

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2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: Page 1, line 10, the patent application number needs to be provided. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

I. Claims 47-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A communication message is not a method or a device.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1-6, 10-19, 23-27, 31-35, and 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhagwat et al. (US 6,721,805 B1) hereinafter Bhagwat.

1. Regarding claim 1 – Bhagwat discloses an access point device (WAP) in communication with a back end device (WAPt) to implement a plurality of protocol layers of a wireless communication protocol for enabling communication between a terminal equipment (mobile host) and a host device (application host), refer to Figures 4 and 5 and column 5 lines 1 to 47.

2. Regarding claim 2 – Bhagwat discloses the plurality of protocol layers of the wireless communication protocol comprise a lower protocol layer for sending and receiving protocol messages over a wireless medium and upper protocol layers for generating and processing the protocol messages, refer to Figures 4 and 5 and column 5 lines 1 to 47.

Bhagwat discloses the access point device implements the lower protocol layer and the back end device implements the upper protocol layers, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

3. Regarding claims 3 and 16 and 18 and 24 and 26 and 32 and 34 and 40 and 42 – Bhagwat discloses the access point device is operably coupled to receive a wireless protocol message from a terminal equipment using the lower protocol layer and forward upper protocol layer information from the wireless protocol message to the back end device over a pre-established communication connection, refer to Figures 4 and 5 and column 5 lines 1 to 47.

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4. Regarding claim 4 – Bhagwat discloses the back end device is operably coupled to receive the upper protocol layer information from the access point device over the pre-established communication connection and process the upper protocol layer information, refer to Figures 4 and 5 and column 5 lines 1 to 47.

5. Regarding claim 5 – Bhagwat discloses the back end device is operably coupled to send upper protocol layer information to the access point device over a pre-established communication connection, refer to Figures 4 and 5 and column 5 lines 1 to 47.

6. Regarding claim 6 – Bhagwat discloses the access point device is operably coupled to receive the upper protocol layer information from the back end device over the pre-established communication connection and transmit a wireless protocol message to a terminal equipment using the lower protocol layer, the wireless protocol message including the upper protocol layer information, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

7. Regarding claim 10 – Bhagwat discloses the access point device and the back end device are operably coupled to exchange upper protocol layer information over a pre-established communication connection, refer to Figures 4 and 5 and column 5 lines 1 to 47.

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8. Regarding claim 11 – Bhagwat discloses the access point device comprises logic for establishing the communication connection to the back end device, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

9. Regarding claim 12 – Bhagwat discloses the back end device comprises logic for establishing the communication connection to the access point device, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

10. Regarding claim 13 – Bhagwat discloses the access point device and the back end device communicate over a local area network, and wherein the pre-established communication connection is a logical connection over the local area network, refer to Figures 4 and 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

11. Regarding claims 14 and 17 and 19 and 25 and 27 and 33 and 35 and 41 and 43 – Bhagwat discloses the local area network is an Ethernet local area network, and wherein the pre-established communication connection is a PPP-over-Ethernet connection, refer to Figures 4 and 5 and column 5 lines 1 to 47 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

12. Regarding claims 15 and 23 – Bhagwat discloses a wireless interface implementing a lower protocol layer of a wireless communication protocol for sending and receiving wireless communication messages, refer to Figures 4 and 5 and column 5 lines 1 to 47.

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Bhagwat discloses a back end interface for communicating with a back end device that implements upper protocol layers of the wireless communication protocol, Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

Bhagwat discloses forwarding logic operably coupled to receive upper protocol layer information over one of said wireless interface and said back end interface and forward the upper protocol layer information over the other of said wireless interface and said back end interface, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

13. Regarding claims 31 and 39 – Bhagwat discloses upper protocol layer logic implementing upper protocol layers of a wireless communication protocol, refer to Figures 4 and 5 and column 5 lines 1 to 47.

Bhagwat discloses an access point interface for exchanging upper protocol layer information with an access point device that implements a lower protocol layer of the wireless communication protocol, refer to Figure 5 and column 5 lines 48 to 67 and column 6 and column 7 lines 1 to 38.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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III. Claims 7-9, 20-23, 28-30, 36-38, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat (same as above) in view of Olgaard et al. (US 6,542,740 B1) hereinafter Olgaard.

1. Regarding claims 7-9, 20-23, 28-30, 36-38, and 44-46 – Bhagwat discloses a wireless communication protocol for enabling communication between a terminal equipment and a host device.

Bhagwat does not expressly disclose a Bluetooth wireless communication protocol and providing additional state-based services.

Olgaard discloses utilizing a Bluetooth wireless communication protocol and providing additional state-based services, refer to column 8 lines 21 to 36 and column 10 lines 20 to 38.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Bhagwat with Olgaard to provide Bluetooth as the wireless communication protocol. The suggestion/motivation for doing so would have been that providing a standard protocol will allow for greater compatibility between customer equipment while maintaining the latest interfaces in keeping up with the market place to provide the latest state-based services.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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1. Lord et al. (US 6,763,012 B1) discloses a mobile terminal and method of providing a network-to-network connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

Application/Control Number: 09/747,436

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John Pezzlo

22 September 2004

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized, cursive script.

JOHN PEZZLO  
PRIMARY EXAMINER